

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV 5-93)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

9250-37

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/868,553

INTERNATIONAL APPLICATION NO.

PCT/EP99/10179

INTERNATIONAL FILING DATE

December 16, 1999

PRIORITY DATE CLAIMED

December 18, 1998

TITLE OF INVENTION

HEPATITIS Y VIRUS

APPLICANT(S) FOR DO/EO/US

Sing Hiem Yap; Chris Julien Cornelius Verslype; Pieter Jacob Boender; Jan Albert Hellings

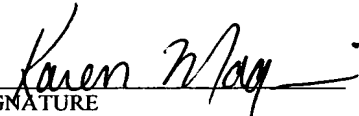
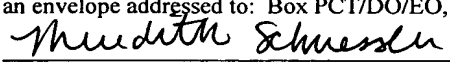
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Statement in Support of Filing A Sequence Listing; Paper copy of Sequence Listing; Computer Readable Copy of Sequence Listing

Rec'd PCT/PTO 18 JAN 2002

|  |              |              |                  |  |  |   |  |              |  |
|--|--------------|--------------|------------------|--|--|---|--|--------------|--|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)<br><b>09/868,553</b>   |              |              |                  | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP99/10179</b>   |  | ATTORNEY REFERENCE NUMBER<br><b>9250-37</b> |  |              |  |
| 17. <input type="checkbox"/> The following fees are submitted:<br><b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b><br>Search Report has been prepared by the EPO or JPO ..... <b>\$840.00</b><br><br>International preliminary examination fee paid to USPTO<br>(37 CFR 1.482)..... <b>\$670.00</b><br><br>No international preliminary examination fee paid to USPTO<br>(37 CFR 1.482) but international search fee paid to USPTO<br>(37 CFR 1.445(a)(2)) ..... <b>\$690.00</b><br><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to<br>USPTO..... <b>\$970.00</b><br><br>International preliminary examination fee paid to USPTO<br>(37 CFR 1.482) and all claims satisfied provisions of PCT<br>Article 33(1)-(4)..... <b>\$96.00</b><br><br>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ |              |              |                  |  |  | CALCULATIONS                                |  | PTO USE ONLY |  |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20<br><input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |              |                  |  |  | <b>\$130.00</b>                             |  |              |  |
| Claims   | Number Filed | Number Extra | Rate             |  |  |   |  |              |  |
| Total Claims   | -20 =        | 0            | X <b>\$18.00</b> | \$   |  |   |  |              |  |
| Independent Claims   | -3 =         | 0            | X <b>\$78.00</b> | \$   |  |   |  |              |  |
| Multiple dependent claim(s) (if applicable)  |              |              |                  | + <b>\$260.00</b>  |  | \$  |  |              |  |
| TOTAL OF ABOVE CALCULATIONS =  |              |              |                  | \$ <b>130.00</b>   |  |   |  |              |  |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).   |              |              |                  | \$   |  |   |  |              |  |
| SUBTOTAL =   |              |              |                  | \$ <b>130.00</b>   |  |   |  |              |  |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than<br><input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |              |                  | \$   |  |   |  |              |  |
| TOTAL NATIONAL FEE =   |              |              |                  | \$ <b>130.00</b>   |  |   |  |              |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +  |              |              |                  | \$ <b>40.00</b>  |  |   |  |              |  |
| TOTAL FEES ENCLOSED =  |              |              |                  | \$ <b>170.00</b>   |  |   |  |              |  |
| 01/24/2002 HNGUYEN 00000102 09868553   |              |              |                  | Amount to be refunded  |  | \$  |  |              |  |
| 01 FC:154 130.00 DP  |              |              |                  | charged  |  | \$  |  |              |  |
| 02 FC:198 40.00 DP   |              |              |                  |  |  |   |  |              |  |
| a. <input checked="" type="checkbox"/> A check in the amount of <b>\$170.00</b> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0220.  |              |              |                  |  |  |   |  |              |  |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.  |              |              |                  |  |  |   |  |              |  |
| SEND ALL CORRESPONDENCE TO:  |              |              |                  |  |  |   |  |              |  |
| Myers Bigel Sibley & Sajovec<br>Post Office Box 37428<br>Raleigh, North Carolina 27627   |              |              |                  | <br>SIGNATURE<br>Karen A. Magri |  |   |  |              |  |
|  |              |              |                  | 41,965<br>REGISTRATION NUMBER  |  |   |  |              |  |
| Certificate of Mailing under 37 CFR 1.8  |              |              |                  |  |  |   |  |              |  |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PCT/DO/EO, Commissioner for Patents, Washington, DC 20231 on November 7, 2001.   |              |              |                  |  |  |   |  |              |  |
| <br>Meredith Schuessler, Date: November 7, 2001   |              |              |                  | The PTO did not receive the following listed item(s) _____<br><u>No assignment form</u>                              |  |   |  |              |  |



|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO.          | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/868553                     | YAP                   | S 9250-37        |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/EP99/10179                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 16 DEC 99                     | 18 DEC 98             |                  |

MYERS BIGEL SIBLEY & SAJOVEC  
POST OFFICE BOX 37428  
RALEIGH, NC 27627

DATE MAILED:

07 SEP 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):


- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☒ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☒ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

 Francine Young



|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO.          | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/868553                     | YAP S                 | 9250-37          |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/EP99/10179                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 16 DEC 99                     | 18 DEC 98             |                  |
| DATE MAILED: 07 SEP 2001      |                       |                  |

MYERS BIGEL SIBLEY & SAJOVEC  
POST OFFICE BOX 37428  
RALEIGH, NC 27627



### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
 

|  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                |
| <input type="checkbox"/> Copy of the international application.  | <input type="checkbox"/> Translation of the international application into English.        |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.                |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input checked="" type="checkbox"/> Other: Preliminary Amendment; IPEA 401; ISA 220 RO 101 |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |  |
- ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
 

|   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
 

|   |
|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).   |
| <input type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  |
| <input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |
- Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
- ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920 *Francine Young*